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ception of primogeniture and feudal tenures, it was enforced in many of the colonies, and is still expressly recognized in the constitution and statutes of most states. In fact, many even of the English statutes enacted prior to the fourth year of James I — as in New York and Maryland, the statutes enacted and adopted before July 4, 1776 — are part of the state law.

And it is putting it quite too strongly to say that what is common law in one state, is not in another. The reverse statement would be nearer the truth. When, too, in speaking of the states of the Union, the statement is made that the Code Napoleon has influenced the laws of Texas and Hayti, the reference to the latter country is misleading; as is the list of nearly forty states said to possess codes; for many of these are mere revisions of general statutes, in no sense complete codifications of the law like the code of California.

The bulk of the book is taken up with the laws of the colonies, of foreign nations, and their juridical constitutions. Thus, Chapter Two is given to the laws of the Empire of India; Chapter Three to the Roman-Dutch laws in Holland and the Dutch Colonies, the laws of Ceylon, South Africa, and British Guiana. Part Two is given entirely to the juridical constitutions of the British dominions outside of Great Britain. Part Three is taken up with matters of appeal to the Privy Council, showing in greatest detail the conditions upon which an appeal is allowed from British courts of justice outside of the United Kingdom.

F. J. S.

**ELEMENTS OF THE LAW OF BAILMENTS AND CARRIERS.** By Philip T. Van Zile. Second Edition. Chicago: Callaghan & Company. 1908. pp. lxxiii, 856. 8vo.

Six years ago the first edition of this work was the subject of review. See 15 HARV. L. REV. 869. At that time it was said: "It is likely to prove particularly a student's book. It will nevertheless become a valuable book for practitioners from its concise analysis of an important subject." The publication of a second edition within relatively so short a time justifies the prediction of the reviewer.

A careful examination of the new edition shows that the author has rewritten much of the work, thereby greatly improving the form of statement. The division into chapters remains practically the same. There are but six sections more in the second edition than in the first; these are accounted for by the insertion of §§ 623-628 dealing with the liability of carriers for injury to servants caused by the negligence of fellow servants. The other sections are not, however, the same as in the first edition, the analyses and division of subject-matter being changed. Chapter XI has been almost wholly rewritten; and the law governing warehousemen has been stated more at length and with greater particularity.

Recent cases of importance have been incorporated, citation being now made to nearly 4000 cases. There is a good table of contents, and a serviceable analytic index, which has been enlarged by the addition of many new titles, and the expansion of a number of old ones, particularly that on connecting carriers. Taken all in all, the new edition is an improvement on what was a useful book, and it warrants the labor of the author and the publisher.

S. H. E. F.

**MILITARY LAW AND THE PROCEDURE OF COURTS MARTIAL.** By Edgar S. Dudley. London: Chapman and Hall, Ltd. New York: John Wiley and Sons. 1907. pp. ix, 650. 12mo.

The aim of this treatise, as the author states in his preface, is "to meet the existing necessity at the United States Military Academy for a text-book which would give a clear and thorough outline of the science of military law, including all recent changes and developments, and yet be contained within such brief compass as to be adapted for use in the instruction of Cadets within the limited period assigned to the study of the subject." In this aim the author has succeeded admirably. Critics will say, and say truly, that the work is in large measure but a new edition of the long line of earlier treatises, and particularly

of General Davis' classic work on military law. Such critics, however, often lose sight of the fact that no branch of the common law admits of less originality and breadth of treatment than that dealing with the various phases of military law. Although Colonel Dudley's field of work has narrow bounds, he has produced within them a remarkably clear, concise, and accurate statement of the law; the book will surely find its place upon the shelves of many lawyers as well as of many soldiers as a convenient manual for instant information upon subjects within its scope.

J. J. R.

**FEDERAL USURPATION.** By Franklin Pierce. New York: D. Appleton and Company. 1908. pp. xx, 437. 8vo.

Mr. Franklin Pierce of the New York Bar properly describes his "Federal Usurpation" as "a plea for the sacredness of the Constitution." Mr. Pierce's idea is not that the Constitution, framed one hundred and twenty years ago, is adequate for our existing political needs. On the contrary, he believes that its system of checks and balances adopted from distrust of the people prevents the beneficent expression of popular will in legislative and executive action, and should be radically modified by amendments to the Constitution. But in the idea championed by President Roosevelt and Secretary Root, that the power of the central government should be quietly and unobservedly increased "through judicial interpretation and construction of law," he sees the gravest danger. The book is mainly devoted to pointing out specific instances of unwarranted assumptions of power by different branches of the government, as against each other and against the states. The author suggests constitutional changes to lessen the temptation to usurpation, the chief of which is the facilitation of amendment so that the Constitution could be remodelled to suit the changed condition of the Republic.

Mr. Pierce writes in a clear, direct fashion, with an earnest detachment of view which highly commends his work to the student of public affairs rather than to the "politician." It is to be regretted that he does not seem to accord to sound judicial interpretation — along with popular agitation — the place which it must necessarily occupy in the development of a written constitution; and that he is hasty in his views of some troublesome subjects, as, for example, trusts, of which he would have the states "make short work." A. A. B.

**THE LAWS OF ENGLAND.** By the Right Honorable the Earl of Halsbury, Vol. I. London: Butterworth and Company. Philadelphia: Cromarty Law Book Company. 1907. pp. ccxviii, 647 (68). 8vo.

**THE JOURNAL OF DEBATES IN THE CONVENTION WHICH FRAMED THE CONSTITUTION OF THE UNITED STATES, 1787,** as recorded by James Madison. Edited by Gaillard Hunt. In two volumes. New York and London: G. P. Putnam's Sons. 1908. pp. xvii, 392; vi, 461. 8vo.

**A TREATISE ON THE INCORPORATION AND ORGANIZATION OF CORPORATIONS.** By Thomas Gould Frost. Third Edition. Boston: Little, Brown and Company. 1908. pp. xv, 909. 8vo.

**THE CORPORATION MANUAL.** Edited by John S. Parker. Fifteenth Annual Edition, 1907-1908. New York: Corporation Manual Company. 1908. pp. xiii, 1816. 8vo.

**REPORT OF THE THIRTIETH ANNUAL MEETING OF THE AMERICAN BAR ASSOCIATION.** Held at Portland, Maine, August 26, 27 and 28, 1907. Baltimore: The Lord Baltimore Press. 1907. pp. 1266. 8vo.

**DIE GESICHTE DES ENGLISCHEN PFANDRECHTS.** By Harold Dexter Hazeltine. Breslau: M. & H. Marcus. 1907. pp. xxviii, 372. 8vo.

**FUNERALI.** By Mario Ricca-Barberis. Milan: Società Editrice Libreria. 1906. pp. xxiii, 204. 8vo.

**TRUE STORIES OF CRIME.** By Arthur Train. New York: Charles Scribner's Sons. 1908. pp. vii, 406. 8vo.